

## REMARKS

This Amendment is responsive to the Office Action dated April 10, 2006.

Claims 1-15, 30, 37, 43 and 44 are pending in the Application. Claims 30 and 44 are allowed. Claims 1-15, 37 and 43 stand rejected.

Claims 1-15, 37 and 43 are rejected under 35 USC 101 on the grounds that the claimed invention is directed to non-statutory subject matter. The rejection, as it would apply to the claims as amended, is respectfully traversed.

As to Claims 1-15, these claims are directed to a method for presenting color images. They recite specific steps which, when followed present color images on a display device and compensate for a visual mismatch between imagery on the device relative to the same imagery on a hard copy. The transformation of data by a machine has routinely been held by the courts to constitute a practical application because it produces “a useful, concrete and tangible result”; *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* 149 F.3d 1368, 47 USPQ 2d 1596 (fed. Cir.), *cert. Denied*, 119 S. Ct. 336 (1998). In *AT&T Corp. v. Excel Communications, Inc.* 175 F.3d 1352, 50 2d 1447 (Fed. Cir. 1999), a claimed process that used a Boolean principle to determine a value was found to fall within the scope of 101 because it produced a useful, concrete tangible result without pre-empting other uses of the mathematical principle.

As to Claims 37 and 43, Applicant disagrees that they are directed to an abstract idea. In fact, these claims define the invention in terms of a concrete thing. The claims identify the physical structure of the product in terms of its hardware and software combination. See, e.g., *Lowry*, 32 F.3d at 1583, 32 USPQ2d at 1034-35; *Warmerdam*, 33 F.3d at 1361-62, 31 USPQ2d at 1760. The defined product has a practical application that transforms data through a series of calculations into a final adjusted device-independent color

coordinates that constitutes a useful, concrete and tangible result.

In view of the amendments to the claims and the foregoing comments, all claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 05-0225. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mark G. Bocchetti".

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.